

REMARKS

Claims 1, 18, and 20 have been amended to clarify the subject matter regarded as the invention. Claims 1-20 are pending.

The Examiner has rejected claims 1, 2, 4-12, 16, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli (U.S. Patent No. 5,758,328) in view of Walker (U.S. Patent No. 5,794,207). The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli and Walker ('207) in view of Walker (U.S. Patent No. 6,415,264). The Examiner has rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli and Walker ('207) in view of Ausubel (U.S. Patent No. 5,905,975). The Examiner has rejected claims 15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli and Walker ('207) in view of Godin (U.S. Patent No. 5,890,138).

The rejections are respectfully traversed. As amended, claim 1 recites "automatically selecting a winning bidder in accordance with the received bids." Support for the amendment may be found, without limitation, in the paragraph beginning on line 8 of page 13 of the Specification.

The Examiner has stated that Giovannoli teaches that "steps for selecting a vendor may be performed by the buyer (Figure 2A and 2B)." (11/28/2006 Office Action, page 4, emphasis added). The Examiner has also stated that "Walker teaches the seller submits a counteroffer to the buyer thereby facilitating the buyer to choose the best counteroffer as the winner of the contract (Figures 5-11 and Column 18 Lines 24-31)." (09/28/2005 Office Action, page 3, emphasis added). Neither Giovannoli nor Walker, either singly or in combination, disclose "automatically selecting a winning bidder in accordance with the received bids" as recited in amended Claim 1. Therefore, Claim 1 is believed to be allowable.

Claims 2-17 depend from claim 1 and are believed to be allowable for the same reasons described above.

As amended, independent claim 18 recites “and automatically selects a winning bidder in accordance with the received bids” and is believed to be allowable for the same reasons described above.

Claim 19 depends from claim 18 and is believed to be allowable for the same reasons described above.

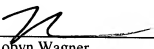
As amended, independent claim 20 recites “automatically selecting a winning bidder to satisfy the spot need of the buyer” and is believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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